

In re) Fair Hearing No. 20,455
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Appeal of)

The petitioner appeals a decision by the Department for Children and Families denying his request for general assistance for temporary housing. The issue is whether the petitioner meets the criteria for temporary housing assistance.

1. The petitioner and his wife originally applied for back rent to stop an eviction proceeding. The petitioner and his wife did not have minor children in their household. The Department denied the request for back rent since the back rent program is only available through the Emergency Assistance program to families with minor children.

2. The petitioner then applied for General Assistance for temporary housing assistance. The petitioner and his wife faced eviction based upon nonpayment of rent. Their monthly rent was \$800 per month. The petitioner and his wife were \$7,575 in arrears to the landlord. Petitioner and his

wife left their home prior to the completion of the eviction process. At that point, petitioner received \$222 per week in unemployment compensation benefits and his wife received \$250 per week in unemployment compensation benefits (\$472 per week or \$2,029.60 per month).

3. The Department denied the request for temporary housing assistance because the petitioner and his wife did not meet the criteria for a catastrophic situation. In particular, the Department found that the petitioner and his wife did not show that the eviction was caused by circumstances beyond their control. The petitioner and his wife were unable to give an accounting to the Department of their income and expenses to show that they did not have sufficient income to pay both rent and other necessities. Such an accounting was not made at hearing.

ORDER

The Department's decision is affirmed.

REASONS

The petitioner applied for temporary housing under the General Assistance program which provides for short-term temporary housing for applicants "who are involuntarily without housing through circumstances they could not have

reasonably avoided and for whom permanent housing or alternative arrangements are not immediately available.”

W.A.M. § 2613.2. “Could not reasonably have avoided” is subject to the limitations in W.A.M. § 2602.1(4).

W.A.M. § 2602.1(4) includes court-ordered evictions as a catastrophic situation provided that the applicant has not violated the tenant agreement and specifically states:

Violation of a tenant agreement shall include nonpayment of rent if the tenant had sufficient income to pay the rent and did not use that income to cover other basic necessities or withhold the rent pursuant to efforts to correct substandard housing.

Petitioner and his wife had sufficient income to cover their rental payment from their combined income. Petitioner and his wife were unable to demonstrate to the Department or at fair hearing that they did not have sufficient income to cover both rent and basic necessities.

As a result, the Department was correct in denying relief under the General Assistance program and their decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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